

### **REMARKS/ARGUMENTS**

Please reconsider the application in view of the above amendments and the following remarks. Claims 1, 4-5, 10-11, 14-15 and 19 remain in this application.

#### **Claim Objections**

Claims 10 and 15 are objected to because of informalities. Applicants have amended the claims to address the cited informalities.

#### **Claim Rejection under 35 U.S.C. § 101**

Claims 10, 11, 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicants have amended the specification to overcome this rejection.

#### **Claim Rejection under 35 U.S.C. § 112**

Claim 10 recites the limitation “the threshold calling activity level” in line 11. There is insufficient antecedent basis for this limitation in the claim.

Applicants have amended the specification to overcome this rejection.

#### **Claim Rejection under 35 U.S.C. § 103**

Claims 1, 11, 15 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MURASAWA et al (US 6,760,594) in view of GLISIC et al. (US 5,754,541) This rejection is respectfully traversed.

The examiner states that Murasawa does not particularly disclose broadcasting a connection availability message based on detected calling activity resulting from a maintained constant count of wireless devices connected through the tower, the broadcasted connection availability message reflecting the closest calling activity threshold level closest to the detected calling activity that has been exceeded by the detected calling activity.

The examiner further asserts that Glisic teaches broadcasting a connection availability message based on detected calling activity resulting from a maintained constant count of wireless devices connected through the tower.

Applicants have amended claims 1, 10 and 11 to cover the content of a broadcasted message but also the manner and technique of broadcasting the connection availability message. The embodiments of the present invention broadcast the availability message at different frequencies of transmission and length of transmission based on the closest threshold level that has been exceeded. Paragraph [0027] and Figure 6 describe these various transmission rates and lengths.

The messages for the different levels can vary in frequency of broadcast and in the type of message. The broadcast message when the number of connected calls exceeds the 90 percent threshold may be an icon 31 that appears on the display of the mobile device for a defined time (maybe 15 seconds). This periodic appearance could be in intervals of 2 to 5 minutes. As the number calls increases and exceeds the 95 percent threshold level, the periodic appearance of the icon would increase to intervals of 2 to 3 minutes. When the threshold levels reached approximately 100 percent the appearance of the icon 31 could be every minute for 20 seconds.

To establish a prima facie case of obviousness, there must some teaching or suggestion to combine the references. Applicant submits that the Examiner has failed to present a prima facie case of obviousness. As indicated above, Murasawa, the primary reference, fails to teach or teaches away from (inter alia) the step of broadcasting a connection availability message based on detected calling activity resulting from a maintained constant count of wireless devices connected through the tower.

Glisic fails to provide the deficiencies of the broadcasted connection availability message and particular technique of broadcasting the connection availability message being based on the calling activity threshold level closest to but exceeded by the detected calling activity. Thus, Glisic fails to teach the missing limitations.

Therefore, Applicants assert that there is no establishment of prima facie obviousness as a result of a combination of Murasawa and Glasic. Neither Murasawa nor Glisic describe a particular technique of broadcasting the connection availability message

being based on the calling activity threshold level closest to but exceeded by the detected calling activity.

### **Claim Rejection under 35 U.S.C. § 103**

Claims 4, 5, 10 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MURASAWA et al (US 6,760,594) in view of GLISIC et al. (US 5,754,541) and HASSLER et al. (US 5,751,795) This rejection is respectfully traversed.

Hassler describes a telephone switching system (100), such as an ACD switching system in a call center, is used to broadcast information for users, such as displayable messages, to telecommunications terminals (110-112, 212), such as display telephones or data terminals, of a plurality of the users, such as call center agents, by means of non-call-associated display messages that are transmitted over the terminals' telephone lines (120-122), at the request of one of the users, such as the supervisor of the call center. In Applicants' method, the broadcast is initiated by the tower and based on the connected number of calls. Further, Hassler fails to provide the claimed limitation of the broadcasted connection availability message and particular technique of broadcasting the connection availability message being based on the calling activity threshold level closest to but exceeded by the detected calling activity. Hassler teaches a telephone switching system that broadcast information for users such as displayable messages to the telecommunication terminals of a plurality of users. However, Hassler does not describe a feature in which the process of how the information is communication is part of the information being communicated. Further, Hassler does not provide the multiple threshold detection described in the present invention.

To establish a prima facie case of obviousness, there must some teaching or suggestion to combine the references. Applicant submits that the Examiner has failed to present a prima facie case of obviousness. As indicated above, Murasawa and Glisic, the primary references, fail to teach or teaches away from (inter alia) a particular technique of broadcasting the connection availability message being based on the calling activity threshold level closest to but exceeded by the detected calling activity. Further, the manner of broadcasting conveys information along with the content of the message.

Thus, Murasawa and Glisic alone or in combination with Hassler fails to support a finding of obviousness. Therefore, Applicants assert that there is no establishment of prima facie obviousness as a result of a combination of Murasawa and Glisic and Hassler.

In view of the above explanation, Applicants respectfully submit that none of the art of record (alone or in combination) teaches, discloses or even suggests the invention as recited in each of Applicant's claims. Applicant further submits that all of the pending claims are in condition for allowance. Withdrawal of the rejections and passage to issuance is respectfully requested. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the below listed telephone number.

Respectfully Submitted,  
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